

## **REMARKS**

Applicants have carefully reviewed the Office Action mailed on September 25, 2006. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 49, 50, and 55 are amended. Claims 56-61 are newly presented. No new matter is added. Please cancel claim 52 without prejudice. Claims 49-51 and 53-61 remain pending.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 49-53 and 55 are rejected under 35 U.S.C. §103(a) as being obvious based on Frass et al. in U.S. Patent No. 5,499,625 in view of Patacil et al. in U.S. Patent No. 6,132,379. Please note that the Examiner indicated that this rejection is based on 35 U.S.C. §102(a). However, this appears to be a typographical error as the rejection text relies on more than one art reference and includes the word “obvious”. Therefore, it is assumed that the Examiner intended to base this rejection on 35 U.S.C. §103(a) and the following remarks are based on this assumption.

Please note that claim 52 is now cancelled, rendering the rejection thereof moot.

Regarding claims 49-51 and 53, claim 49 is amended to recite:

49. (Currently Amended) A medical assembly, comprising:  
a tubular member insertable within the body, the tubular member having a proximal section, a distal section, and a lumen therethrough;  
a first at least one inflatable member coupled to the distal section of the tubular member;  
a second inflatable member coupled to the distal section of the tubular member and disposed distally of the first inflatable member;  
a means for inducing movement in the distal section of the tubular member;

wherein said means for inducing movement in the distal section of the tubular member includes means for repeatedly inflating and deflating the second inflatable member;

at least one extracorporeal ultrasound transducer configured to direct an ultrasonic beam into the body; and

ultrasonic imaging means for visualizing the tubular member within the body.

None of the cited references, either alone or in combination, appear to teach all the claim limitations. For example, neither Frass et al. nor Patacsil et al. appear to teach or suggest (or inherently disclose) a means for inducing movement in the distal section of the tubular member that includes means for repeatedly inflating and deflating the second inflatable member (which is disposed distally of the first inflatable member). Based on this distinction, Applicant respectfully submits that amended claim 49 is patentable over the cited references. Because claims 50, 51, and 53 depend from claim 49, they are also patentable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claim 55, this claim is amended to recite that the tubular member has a tube wall with an inner surface and that only a single lumen is defined along the inner surface. This differs from Frass et al. where two lumens (11, 14) are defined along the inner surface of the airway (10) as shown in Figure 3. Adding Patacsil et al. is not sufficient to overcome this deficiency. Based on the differences between the claimed invention and the cited art, Applicant respectfully submits that amended claim 55 is in condition for allowance.

Claim 54 is rejected under 35 U.S.C. §103(a) as being unpatentable over Frass et al. in view of Patacsil et al. as applied to claim 49 above, and further in view of Lowe et al. in U.S. Patent No. 5,775,328. As indicated above, amended claim 49 is believed to be

patentable over Frass et al. and Patacsil et al. Lowe et al. fails to overcome this deficiency. Accordingly, Applicant respectfully submits that amended claim 49 is patentable over Frass et al., Patacsil et al., and Lowe et al. Because claim 54 depends from claim 49, it is also patentable based on the amendment to claim 49 and because it adds significant elements to distinguish it further from the art.

### Conclusion

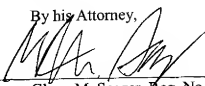
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance; issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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